

# MINUTES

## Rules Review Committee



Senator Mike Vehle, Chair  
Representative Timothy Johns, Vice Chair

Three hundred sixtieth meeting  
Monday  
September 26, 2016

Room 414  
State Capitol  
Pierre, South Dakota

### Other DDN Site Locations:

University Center  
4801 N. Career Ave., Room FADM 145  
Sioux Falls, South Dakota

Black Hills State University  
1200 University Station, Room LIB 9  
Spearfish, South Dakota

The three hundred sixtieth meeting of the Rules Review Committee was called to order by Representative Timothy Johns (Vice Chair) at 10:00 a.m., CT, on September 26, 2016, in Room 414 at the State Capitol, Pierre, South Dakota and via the Digital Dakota Network (DDN) at the following locations: University Center, 4801 N. Career Ave., Room FADM 145, Sioux Falls, South Dakota and Black Hills State University, 1200 University Station, Room LIB 9, Spearfish, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford and Phyllis Heineman and Representatives Peggy Gibson, Jean Hunhoff, and Timothy Johns (Vice Chair). Senator Mike Vehle (Chair) was excused. Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

*All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://sdlegislature.gov> under "Interim."*

### Approval of Minutes

*Senator Bradford moved, seconded by Representative Gibson, that the minutes of the August 22, 2016, meeting be approved. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

### Rules Reviewed

**Department of Education: Board of Education** – Amend rules to add private, non-profit entities that provide specialized career and technical services and education to the list of eligible recipients for Workforce Education Grants.

**Ms. Tiffany Sanderson** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Heineman, that the review of the rules proposed by the Department of Education: Board of Education is complete. Motion prevailed on a roll call vote with*

*5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Revenue: South Dakota Lottery Commission** – Amend rules to adopt the most current Powerball game group rules and Mega Millions game group rules that cleanup and clarify language, add definitions that assist in interpreting the rules, clarify how the existing prize pools and accounts will operate, and improve legal protections for the participating lotteries in regard to decisions made by the individual lotteries in paying prizes.

**Mr. Norman Lingle**, Executive Director, reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Hunhoff, that the review of the rules proposed by the Department of Revenue: South Dakota Lottery Commission is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Labor and Regulation** – Amend a rule to update the declaratory ruling process for the department.

**Mr. Tom Hart** reviewed the proposed rule.

*Representative Gibson moved, seconded by Representative Johns, that the review of the rule proposed by the Department of Labor and Regulation is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Public Safety** – Amend rules to update the adoptions of the National Institute of Standards and Technology (NIST), American Society of Testing and Materials (ASTM) and the International Building, Fire, and Mechanical Codes, update and revise references, require the use of certified test weights, allow NIST traceable field test standards for refined fuels and liquid petroleum gas, and repeal repetitive rules.

**Ms. Jenna Howell** reviewed the proposed rules.

*Representative Johns moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Public Safety is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**South Dakota Retirement System** – Amend rules relating to the election of members to the Board of Trustees to allow the use of a third party to conduct the election and the use of electronic balloting and eliminate the requirement that a single member provide certification when purchasing a supplemental pension benefit.

**Ms. Jacque Storm** reviewed the proposed rules.

*Senator Bradford moved, seconded by Representative Gibson, that the review of the rules proposed by the South Dakota Retirement System is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Health: Joint Board of Nursing and Board of Medical and Osteopathic Examiners –** Amend rules to improve the efficiency and operation of the joint boards, provide clarification to the licensing process, update collaboration requirements to improve access to care, include reference to medical assistants, and create a new article covering medical assistants.

**Ms. Gloria Damgaard**, Executive Director, Board of Nursing, reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Bradford, that the review of the rules proposed by the Department of Health: Joint Board of Nursing and Board of Medical and Osteopathic Examiners is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Health: Board of Medical and Osteopathic Examiners –** Amend rules to create standards for medical record documentation when prescribing opioids for chronic pain, remove restrictions related to the supervision of physician assistants, and clarify continuing education requirements for genetic counselors.

**Mr. Tyler Klatt** reviewed the proposed rules.

### **Public Testimony**

**Mr. Justin Thurman**, Sturgis, South Dakota Academy of Physician Assistants, spoke in support of the proposed rules regarding the supervision of physician assistants.

*Representative Johns moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Health: Board of Medical and Osteopathic Examiners is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Health: Board of Examiners in Optometry –** Amend rules to update continuing education requirements and update the scope of practice/clinical procedural codes.

**Ms. Naomi Cromwell**, Pierre, Attorney representing the Board of Examiners in Optometry, reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Heineman, that the review of the rules proposed by the Department of Health: Board of Examiners in Optometry is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Electronic Recording Commission** – Adopt rules to implement uniform standards for electronic transmission of certain documents to and from a register of deeds that has voluntarily elected to accept an electronic document for recording in accordance with SDCL Chapter 7-9.

**Ms. Julie Risty**, Sioux Falls, Chair of the Electronic Recording Commission, reviewed the proposed rules.

*Senator Heineman moved, seconded by Senator Bradford, that the review of the rules proposed by the Electronic Recording Commission is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, and Johns. Member excused: Vehle.*

**Department of Transportation** – Amend rules regarding the Local Bridge Improvement Grant Requirements.

**Ms. Karla Engle** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Bradford, that the review of the rules proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Heineman, and Johns. Members excused: Hunhoff and Vehle.*

### **Next Meeting Date**

The next meeting of the Interim Rules Review Committee will be on Monday, November 14, 2016.

### **Adjournment**

*Representative Gibson moved, seconded by Senator Bradford, that the meeting be adjourned. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Heineman, and Johns. Members excused: Hunhoff and Vehle.*

Vice Chair Johns adjourned the meeting at 12:30 p.m.